

**IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH**

-:-

**R.S.A No. 646 of 2014 (O&M)
Decided on : January 21, 2015**

Maghar Singh

... Appellant

Versus

M/s Nirmal Singh Balbir Singh & Anr.

... Respondents

CORAM : HON'BLE MR.JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Malkiat Mann, Advocate, for the appellant.

Mahavir S. Chauhan, J. (Oral)

Judgment/decreed dated 27.09.2013, passed by learned Additional District Judge, Ludhiana ('first appellate Court' – for short), affirming judgment/decreed dated 20.03.2012 passed by learned Additional Civil Judge (Senior Division), Khanna ('trial Court' – for short), decreeing plaintiffs- respondents' suit for recovery of Rs.1,02,079.83 i.e., Rs.66,618.45 as principal amount together with interest @ 12% per annum with future interest @6% per annum, is under challenge in this appeal brought by the defeated-defendant.

It is argued by learned counsel for the defendant-appellant that two entries in the cash book/rokkar of the plaintiffs-respondents are admittedly not signed by the appellant and this renders the whole case of the plaintiffs-respondents doubtful, but the learned Courts below have failed to take note of this very material aspect of the matter.

It, however, comes out from perusal of the impugned judgment/decreed that the plaintiffs/respondents have sued the appellant for recovery of Rs.1,02,079.83 i.e., Rs.66,618.45 as principal amount and Rs.35,461.37 as interest calculated @2% per month from 13.06.2000 to 05.08.2003, by alleging that the appellant has been borrowing money from them on different occasions against various entries in the cash book/rokkar, which were duly signed by the appellant in token of their correctness. In the written statement averments of the plaint were denied by the appellant. However, the plaintiffs-respondents have proved various entries carrying signatures of the appellant in token of their correctness and two entries referred to by the learned counsel for the appellant are not the last entries and, instead, these are entries in between the various entries and the last entry in the cash book/rokkar admittedly carries signatures of the appellant. That being so, the appellant is presumed to have acknowledged the correctness of all the previous entries including the last entry.

Be that as it may, findings recorded by the Courts below are pure findings of fact and the appeal is not shown to involve any question of law, much less a substantial one.

In the consequence, I regret my disinclination to interfere with the concurrent and pure findings of the fact recorded by the Courts below.

Dismissed.

No costs.

January 21, 2015
tripti

[Mahavir S. Chauhan]
Judge